

# **EXHIBIT D**

410

DISTRICT ATTORNEY  
CIRCUIT COURT  
UNITED STATES OF AMERICA

REFERENCE: CONSIDERATIONS FOR COMMUTING / WAIVING SENTENCES

To the honorable court and the honorable judge presiding, the following petition is written to summon some of the facts to be taking into consideration in the criminal case pending against me, Colombian citizen who has been extradited from the country of Colombia.

FIRST: Every citizen, Colombian or foreigner, after being requested for extradition and following his/her capture, is held in the maximum security prison of C6mbita, located near the city of Tunja, Colombia, nine thousand feet above sea level and about 70 miles away from Bogot6 D.C., capital city of Colombia.

SECOND: The maximum security prison of Colombia is administered by the government's Institute of Penitentiaries (INPEC).

THIRD: This particular prison does not meet the basic standards to comply with local and international treaties on HUMAN RIGHTS. The prison does not have:

- Continuous supply of potable drinking water
- Heating system
- Inmates are required to take showers at 4:30 am with almost freezing water, from a well that is often contaminated, as previous studies have shown.
- Inmates are not provided with proper clothing for temperatures below zero. It is prohibited for them to wear either gloves or beanies, while guards are fully equipped with winter uniforms and with the mentioned items.
- The cells do not possess a heating system; inmates have to spend the nights under freezing temperatures

FOURTH: The maximum security prison holds a number close to 200 inmates in a backyard no longer than one basketball court. Inmates are required to spend 13 hours a day in such backyard, with no shelter and no roof, forbidden to go back to their cells, whether it is raining or under very cold temperatures.

FIFTH: The dining facility is also located in the same backyard, less than 10 feet away from the bathrooms and toilets, which have no permanent running water supply, making this facilities a mayor threat to the health of the inmates.

SIXTH: This prison also lacks medical facilities. There is no doctor present or infirmary with suitable medicines and equipments. When inmates get sick (which happens very often because of the conditions of the detention center aforementioned), they need to be transported to the hospital of the nearest city of Tunja, under heavy security measures, which needless to say, takes a couple of days to plan. Because of this, it takes a few days in order for the inmates to receive any medicine, remedy or treatment.

SEVENTH: Every cell has a small lavatory with a small toilet, but running water is rationed every night, and there are some days we go all day without water. The use of these simple and essential services is therefore prohibited. This small torture, as the others here related, are part of the everyday of the inmates and are a violation of Human Rights.

EIGHT: Our due process is always violated; most of us have not ever been in front of a judge or authority to summon evidences against our accusation.

NINETH: These same issues have been put into knowledge to different international organizations, such as THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS OF THE UNITED NATIONS (UN), and the European Court of Human Rights, pending approval and veredict.

This accused respectfully presents to this honorable court of law, to take into consideration all the facts exposed and accept my petition that for every day he has already spent in this jail, will be counted as multiple days of served time in the event that I'm found guilty and given a sentence.

Respectfully,

Jose Emiliano Moreno Montenegro  
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